

**Patent**

Attorney Docket No: ART-00101.P.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Guoqing Wang

Lei Wu

Xiaobo Wang

Jing Cheng

WeiPing Yang

Examiner: Lu, Frank Wei Min

Group Art Unit: 1634

Application Number: 09/648,081

Filed: August 25, 2000

For: METHODS AND COMPOSITIONS)  
FOR IDENTIFYING NUCLEIC )  
ACID MOLECULES USING )  
NUCLEOLYTIC ACTIVITIES )  
AND HYBRIDIZATION )

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AUG 30 2004

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir,

**PETITION TO WITHDRAW PATENT APPLICATION FROM ISSUE AFTER  
PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**

Applicants respectfully request that U.S. Patent Application number 09/648,081 be withdrawn from issue. The issue fee for the referenced application has been paid. Applicants therefore petition for the withdrawal of U.S. Patent Application number 09/648,081 under 37 CFR 1.313(c) and enclose the fee under 37 CFR 1.17(h) so that certain publications can be properly considered by the Examiner.

The reason for this petition is that Applicants very recently became aware of references cited by Examiner Lu in an office action for an application of the family, U.S. Patent Application number 10/355,411. The office action citing the new references was mailed August 11, 2004. The references, U.S. Patent number 6,258,146 and U.S. Patent Application Publication number 2003/0096232A1, are listed in the submission provided herewith in the form of an Information Disclosure Statement and Form 1449 (see 37 CFR §1.56). Applicants also submit herewith a Request for Continued Examination (RCE) to enable the Examiner to properly consider these references.

Applicants regret that they became aware of the new reference after the payment of the issue fee and the adherence of the Applicants to the duty to disclose under 37 CFR 1.97 and 37 CFR 1.98. Applicants petition for withdrawal of Application number 09/648,081 from issue to allow the Examiner to properly consider the references cited in the attached Information Disclosure Statement and Form 1449.

Respectfully submitted,

Date:

August 30, 2004



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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0351-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 515.00**Complete if Known**

Application Number	09/848,081
Filing Date	August 25, 2000
First Named Inventor	Wang
Examiner Name	Frank Lu
Art Unit	1634
Attorney Docket No.	ART-00101.P.1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	501321
Deposit Account Name	David R Preston

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b> 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)</b> 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.128(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.128(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY**

Name (Print/Type)	David R. Preston	Registration No. (Attorney/Agent)	38,710	Telephone	858-724-0875
Signature		Date	8/30/04		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Aug. 30 2004 12:12PM P8